

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

Thomas J. Kasta
(DOB: 12/XX/1982)

CASE NUMBER: 14-804M(NJ)

I, Eric Szatkowski, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

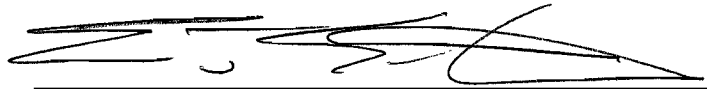
Count One: On or about February 6, 2013, in the State and Eastern District of Wisconsin, Thomas J. Kasta knowingly received child pornography that has been transported in interstate commerce by any means, including by computer, all in violation of Title 18, United States Code, Section 2252(a)(2).

Count Two: On or about January 23, 2014, in the State and Eastern District of Wisconsin, Thomas J. Kasta knowingly possessed child pornography, all in violation of Title 18, United States Code, Section 2252(a)(4)(B).

I further state that I am a Special Agent with the Wisconsin Department of Justice, Criminal Investigation Division, Internet Crimes Against Children, and this complaint is based on the following facts:

Please see the attached affidavit of SA Eric Szatkowski.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



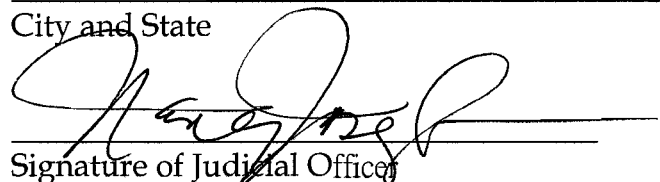
Signature of Complainant

Sworn to before me and subscribed in my presence,

January 24th, 2014
Date

The Honorable Nancy Joseph
United States Magistrate Judge

at Milwaukee, Wisconsin
City and State



Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF APPLICATION FOR CRIMINAL COMPLAINT

Eric Szatkowski, Special Agent with the Wisconsin Department of Justice, Division of Criminal Investigation, being first duly sworn according to law, on oath, deposes and says:

This affidavit is being submitted in support of an Application for a Criminal Complaint for Thomas J. Kasta, DOB: 12/XX/1982 for violations of 18, United States Code (USC) §§ 2252(a)(2) (receipt of child pornography) and 2252(a)(4)(B)(possession of child pornography).

1. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers, citizen witnesses, and corporate and government entities. I believe the information I obtained from other sources is truthful and reliable, in that such information was provided by persons or entities in the performance of their official duties or in the course of normal business operations. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and does not set forth all of my knowledge about this matter.

2. I am a Senior Special Agent with the Wisconsin Department of Justice, Division of Criminal Investigation (DCI), and have been employed as a Special Agent since 1991. I have extensive experience working complex criminal investigations, including Internet crimes committed against children, death investigations, cold case homicides, murder for hire, sexual assault of children, fugitive apprehension, and drug

trafficking. I have specialized in working in an undercover capacity in several of those areas.

3. Since 1999, I have been assigned to the Wisconsin Internet Crimes Against Children Task Force (ICAC), which was developed pursuant to a federal grant received from the Office of Juvenile Justice and Delinquency Prevention and the National Center for Missing and Exploited Children (NCMEC). ICAC's primary responsibility is the investigation of sexual crimes committed against children that are facilitated through the use of digital technology. In 2012, I was appointed as the Deputy Commander of the WI ICAC Task Force.

4. During my law enforcement career, I have received between 450-500 hours of training on the sexual exploitation and abuse of children from federal, state, local, and private agencies, including the Federal Bureau of Investigation, the Department of Homeland Security, NCMEC, the Wisconsin Division of Criminal Investigation, Practical Homicide Investigations, Inc., the American Prosecutors Research Institute, the Milwaukee County Medical Examiner's Office, the Dallas Police Department, the Wyoming Division of Criminal Investigation, and Fox Valley Technical College, Appleton, Wisconsin. I have also attended the National ICAC Conference and/or CAC Conference in Dallas in 2004, 2005, 2006, 2012, and 2013; the National ICAC Conference in San Jose, California in 2007, in Columbus, Ohio in 2008, and in Jacksonville, Florida in 2010. My training has included online exploitation of children; possession, collection, distribution, and manufacturing of child pornography; working undercover on child

exploitation cases; basic forensic computer examination; e-mail and Internet protocol number tracing; sexual assault and abuse of children; surviving and coping with the aftermath of sexual assault and exploitation; family/non-family abduction, child homicide, interviewing/interrogations, child prostitution, child sex tourism, child sex trafficking and human trafficking.

FACTS ESTABLISHING PROBABLE CAUSE

Investigation by German Police

5. On January 13, 2014, I reviewed information provided by Milwaukee Immigration and Customs Enforcement (ICE) S/ A Brandon Bielke regarding a child pornography investigation that was initiated by German law enforcement officials. I have worked with S/ A Bielke and other ICE S/ As and have found their information to be accurate and reliable. A brief synopsis of the German investigation is as follows:

6. From January 25, 2013, through February 13, 2013, German law enforcement, specifically the Baden-Wuerttemberg State Criminal Police, conducted a child pornography investigation on the eDonkey 2000 file sharing network. Based on my training and experience, I know that the eDonkey network is a known digital platform through which images and movies of child pornography can be traded and/or shared by offenders around the world who have installed that program on their computers. I also know that law enforcement officers in this and other countries proactively search file sharing programs like eDonkey for evidence of the crimes of possession and/or distribution of child pornography.

7. During the above-described time period, the Baden-Wuerttemberg State Criminal Police ran random searches for child pornography files on the eDonkey network. The searches revealed that various individuals on that network offered a 100-percent copy of a file searched for on eDonkey 2000, which had already been saved at the Baden-Wuerttemberg State Criminal Police Office. This file contained a child pornographic video showing the sexual abuse of a presumably 6-year-old girl by a presumably 30-year-old white man. The video was located on eDonkey when Baden-Wuerttemberg Police ran searches for the following child pornography file hash (eDonkey200 Hash): 0dc0706836281ad9dbca0a8cf2e3dcf.

8. Baden-Wuerttemberg Police also reported that the name of the file itself can be different with different individuals who offer the video on eDonkey, but that this is not relevant since the file hash -- and consequently the content of the file -- is always the same. Based on my training and experience with file sharing child pornography investigations, I also know this to be true.

9. The results of the investigation by Baden-Wuerttemberg Police resulted in the identification of 155 users in the United States, based on the eDonkey2000 file hash and captured Internet Protocol (IP) addresses on specific dates and times of the German operation. Those results were provided to the German Federal Police Bundeskriminalamt (BKA) Child Exploitation Unit SO12, which in turn were provided to the Homeland Security Attache in Frankfurt, Germany for follow-up in the United States.

10. On March 21, 2013, the HSI Attache in Frankfurt, Germany, sent out the leads on suspects identified in the United States to the ICE Cyber Crimes Center (C3).

Investigation by ICE

11. Using the information obtained by German authorities, ICE C3 determined that one of the suspects downloaded the above-described child pornography video from IP address 184.58.207.111 on February 6, 2013 @ 04:26:14 UTC. I confirmed this information in my review of German police reports, which identified this IP address, date, and time as suspect IP number 84.

12. Subsequently, ICE determined that the provider of that IP address was Time Warner Cable. I note that I confirmed that information on January 13, 2014, by searching the IP address in the American Registry of Internet Numbers (ARIN), which also reported the provider as Time Warner Cable. I have used this site on countless occasions in the past, and know that it provides accurate information regarding IP addresses.

13. After determining that Time Warner Cable was the provider, on June 6, 2013, ICE C3 sent an administrative subpoena to Time Warner to identify the subscriber who was assigned that IP address at that date and at that time, specifically IP address 184.58.207.111 on February 6, 2013 @ 04:26:14 UTC. On June 10, 2013, Time Warner responded to ICE with the following subscriber information:

Subscriber Name: Thomas Kasta

Subscriber Address: 4539 s. 23rd, Apt.1, Milwaukee, WI 53221

Activation Date: 8/24/2011
Deactivation Date: 6/1/2013
User Name: N/A
Phone Number: 414-399-7103
Additional Subscriber Info: Modem MAC ID: 602A.D0A5.DA36

Review of Child Pornography Video

14. On December 19, 2013, I received information from ICE Milwaukee S/ A Kevin Wrona that described the video of child pornography that ICE, with information provided by German law enforcement, identified as being downloaded from the residence of Thomas Kasta, 4539 S. 23rd Street, Milwaukee, WI, on February 6, 2013.

The description of the video is as follows:

This video is 48:58 in length. It begins with a title screen that reads: "Jack h'off 2 Baby J" with a shot of a prepubescent child from the waist down removing her panties. The video is a collection of various scenes, in multiple locations (ie. on a bed, on a couch), with a prepubescent, white female approximately between the ages of 5-6 years old with long brown hair. Scenes include the child on a bed by herself inserting her fingers into her exposed vagina. Other scenes show what appears to be an adult male's erect penis placed near the exposed vagina of the child. Another scene is a close up of the child's exposed vagina, with then what appears to be an adult male's erect penis getting inserted into the vagina, and then having intercourse. One scene is of what appears to be a white adult male in his late 20's to early 30's, with long brown/black hair and a beard sitting naked on a couch with an erect penis, then having the naked child sit on his penis, inserting it into her vagina, and proceeding to have intercourse.

15. On January 14, 2014, I reviewed the video at the Milwaukee DCI Office, and confirmed that it is as described by ICE S/ A Wrona. I also note that due to the number of different scenes, extreme close-ups of intimate parts, various clothing being worn, and different interior locations of the sexual assaults, I cannot be certain that only one prepubescent girl was victimized in the production of this video.

Kasta Change of Residences

16. As mentioned previously in this affidavit, on the date of a known download of child pornography, February 6, 2013, Thomas Kasta was identified as living at 4539 South 23rd Street, Milwaukee, WI. The identification was made based on an IP address captured by German law enforcement and a summons sent by ICE to Time Warner Cable to identify the subscriber assigned that IP number. I received this information on or about November 6, 2013.

17. Subsequent to receiving this information, I did a routine background check to determine if Kasta was still living at that residence. According to information provided by the Wisconsin Department of Transportation, Kasta was living at 18480 W Lynette Lane, New Berlin, WI. Between November 11 and November 13, 2013, I conducted surveillance there, but did not observe Kasta or any vehicles registered to him at that location.

18. Also on or about November 6, 2013, I reviewed a criminal history on Kasta that I obtained from the Wisconsin Crime Information Bureau (CIB). CIB reported no felony arrests or convictions; it reported that Kasta was arrested in October of 1995 for retail theft by the Greenfield Police Department; in August 2000 for theft by the Greendale Police Department; in October of 2004 for disorderly conduct by the Greenfield Police Department; and in February of 2013 for operating while under the influence by the South Milwaukee Police Department.

19. On or about November 15, 2013, I received information from ICE S/ A Bielke that he conducted a query in the Department of Homeland Security (DHS) database and found that Kasta registered his vehicle, a 1989 Honda Accord LX, WI license plate: 866-RXK, at the address of 2231 W. Ohio Street, Milwaukee, WI 53125. S/ A Bielke also reported that Kasta's Wisconsin driver's license was recently reinstated (November 12, 2013), which reflected the address of 2231 W. Ohio Avenue.

20. Also on that date, S/ A Bielke reported that he requested the assistance of the Milwaukee Police Department to determine if Kasta lived alone or with others at his previous address of 4539 S. 23rd Street in Milwaukee. Regarding probable cause for this criminal complaint, I know that this information was important to obtain in order to identify other possible users of digital devices that could have accessed the Internet using the IP address captured by German Police as having downloaded the child pornography video.

21. Consequently, S/ A Bielke reported that Milwaukee Police Department Officer John Klein spoke to the property manager of 4539 S. 23rd Street, Apt 1, Milwaukee, WI, and using a ruse, was able to confirm that Kasta lived alone and moved out of that residence in June 2013, to live with his girlfriend at the 18480 W. Lynette Lane, New Berlin, WI address. I note the importance of this information and its support of probable cause to believe that Kasta is likely the person responsible for the download of child pornography in that 1) Kasta was the only person living at the residence, 2) a person obtaining and viewing child pornography is likely to do so in a place like their

residence in which they feel safe and secure, 3) based on my training and experience, it is highly unlikely that a visitor to someone's apartment would download an approximately 49-minute video of child pornography as described in this affidavit, and 4) based on my training and experience, most individuals who have a wireless connection to the Internet in their residence use some form of encryption to prevent others from stealing their signal. In the hundreds of ICAC cases that I have worked and/or had knowledge of, only a handful were shown to involve the piracy of an unencrypted wireless signal.

22. On November 18, 2013, I received information from the U.S. Postal Inspector's Office that Kasta was not currently receiving mail at the New Berlin address, and that he submitted a change of address form on October 11, 2013, to the 2231 W. Ohio Avenue, Milwaukee, WI, address.

23. On January 21, 2014, Milwaukee County Court Commissioner Rosa Barillas issued search warrant for Thomas J. Kasta's residence located at 2231 W. Ohio Avenue, Milwaukee, Wisconsin, to search for evidence of child pornography.

Execution of Search Warrant:

24. On January 23, 2014, the above-described search warrant was executed at Kasta's residence. A Seagate external hard drive, Serial Number: NA4Q5BCA, was recovered from Kasta's bedroom which contained approximately 451 videos and approximately 39,000 images. A preliminary review of the contents of the external

drive, including videos, still images, and file names, by Analyst Bao Vue, revealed that the majority of the content depicted child pornography, and that the majority of child victims appeared to be prepubescent. The Seagate external hard drive is manufactured outside of the State of Wisconsin.

25. The following is a description of ten videos found by Analyst Vue:

Name: 3Yo Boy Butt-Fucks 2Yo Girl Pthc.mpg
Full Path Case 1\1\C\o\3Yo Boy Butt-Fucks 2Yo Girl Pthc.mpg
File Created 02/05/13 06:24:56PM
Last Accessed 01/17/14 12:11:44AM
Last Written 10/26/13 09:07:39PM

3Yo Boy Butt-Fucks 2Yo Girl Pthc.mpg

This video file, three minutes and nine seconds in length, depicts a prepubescent girl lying on a bed wearing a short black skirt, a black tank top, and white panties. A prepubescent boy then laid on top of the girl and then on her side. The boy is wearing a t-shirt and green shorts. The video then jumps to boy without any pants or underwear thrusting on top of the girl. The boy continues thrusting at the girl and then someone wearing jean pants walked past the camera. The boy then removed the girl's skirt and panties. The girl laid on her stomach and the boy thrusts towards her buttocks area. The girl then moved to her back and the boy thrust towards her vaginal area. An adult arm reached in the camera view and appeared position the children. The next portion of the video shows the adult arm reach into the camera view again and removed the boy's shirt. The girl then was shown on her stomach while the boy thrusts towards her buttocks area. The boy's penis is shown penetrating the girl's anus. Throughout the video, an adult entered the camera view and positioned the children.

Name: 3Yo Toddler Girl Fucked - Complete Dick Head Accually Buried In & Out Of Pussy {No Bull}.wmv
Full Path Case 1\1\C\o\3Yo Toddler Girl Fucked - Complete Dick Head Accually Buried In & Out Of Pussy {No Bull}.wmv
File Created 12/03/12 09:09:03PM
Last Accessed 01/23/14 12:37:42AM

Last Written 11/02/13 10:19:54PM

3Yo Toddler Girl Fucked - Complete Dick Head Accually Buried In & Out Of Pussy {No Bull}.wmv

This video file, fifteen minutes and thirteen seconds in length, depicts a prepubescent girl with her shirt pushed up, exposing her stomach and vaginal area. The girl was wearing white velcro shoes with white socks. An adult male's penis and part of his thighs were also in the camera view. The male's penis penetrated the girl's vagina.

Name: PTHC 2012 5yo HDV comp VERY GOOD.avi
Full Path Case 1\1\C\o\PTHC 2012 5yo HDV comp VERY GOOD.avi
File Created 02/05/13 11:33:21PM
Last Accessed 01/17/14 12:11:30AM
Last Written 02/06/13 01:26:10AM

PTHC 2012 5yo HDV comp VERY GOOD.avi

This video file, ten minutes and thirty two seconds in length, depicts a toddler girl standing, facing the camera, wearing a pink, yellow, and white patterned dress. The girl turned away from the camera and lifted her dress, exposing her buttocks. The girl then turned to face the camera, exposing her vaginal area. The girl sat on the ground and spread her legs, exposing her vaginal area, and then laid on her back with her dress still pulled up. The video then jumped to the same girl in a bedroom, standing on a bed with blue bedding with stars. The girl is wearing her hair in pigtails, a pink long sleeved shirt, and blue panties. The girl lifted up her shirt, exposing her chest, and then laid on her back with her legs spread in the air. The girl pulled the panties to the side, exposing her vaginal area. The girl moved to her stomach and the camera showed the girl wearing a thong which is numerous sizes too big. The underwear was then pulled down and the girl pulls on either side of her buttocks, exposing her anus.

More video sequences, similar to the one above, followed. The video that followed those videos showed an adult male's penis ejaculating on a toddler girl's vaginal area. The girl then rubbed the semen around her vaginal area.

Another video showed the same toddler girl with an adult male's penis penetrating her mouth. The adult male then ejaculated on the girl's face. There are two additional video sequences that showed similar as the description above.

Name: MOV00729.MPG

Full Path Case 1\1\C\Overflow\My Nieces August 2004\MOV00729.MPG

File Created 08/08/04 12:07:38AM

Last Accessed 06/23/13 12:48:54PM

Last Written 10/07/09 06:07:10PM

MOV00729.MPG

This video file, twenty four seconds in length, depicts a prepubescent girl lying on her back in a bed. The girl's red shirt is pushed up, exposing her Winnie the Pooh and Piglet panties. A hand with an X drawn on it, followed by a hairy arm then entered the camera view. The hand pulled down the girl's panties, from the top, exposing her vaginal area. The hand then moved in between the girl's leg and pulled her panties to the side, again exposing her vaginal area. The girl's body appeared to start to move, and the hand quickly pulled away.

Name: MOV00734.MPG

Full Path Case 1\1\C\Overflow\My Nieces August 2004\MOV00734.MPG

File Created 08/08/04 12:13:56AM

Last Accessed 06/23/13 12:48:57PM

Last Written 10/07/09 06:07:11PM

MOV00734.MPG

This video, thirty one seconds in length, depicts a prepubescent girl lying on her back in a bed. The girl's red shirt is pushed up, exposing her Winnie the Pooh and Piglet panties. This appears to be the same girl as in MOV00729.MPG. The same adult hand pulled down the girl's panties, from the top. An adult male's head then entered the camera view. The male had a mustache. The male then touched his mouth to the girl's vaginal area, pulled away, and then repeated that act.

Name: Pthc - Moscow 3 (Vhs 3) - 2 8yo Girls.avi

Full Path Case 1\1\C\Overflow\video\avi\Pthc - Moscow 3 (Vhs 3) - 2 8yo Girls.avi

File Created 04/19/09 07:26:58PM

Last Accessed 01/09/14 11:24:52PM

Last Written 05/22/09 07:04:55AM

Pthc - Moscow 3 (Vhs 3) - 2 8yo Girls.avi

This video file, twenty three minutes and one second in length, depicts an adult male washing a prepubescent female's buttocks and then he penetrated her anus with his fingers. The camera view then showed that there were two prepubescent girls in the bathtub together. Next the video showed the same girl, that the adult male violated in the first portion of the video, laying on her back on a bed. The adult male then penetrated her vagina with his penis. The video zoomed in to show the adult male's penis penetrating the girl's vagina. The video zoomed out again to show the girl posed in numerous different positions, and then the second prepubescent girl entered the camera view. The first prepubescent girl knelt on the bed, with her buttock upwards, and the adult male handed her a pencil. The first girl then inserted the pencil into her own vagina. The video then jumped to a close view of an adult penis penetrating a prepubescent girl's vagina. The video next jumped to a prepubescent girl squatting above a toilet, with both feet on the sides of the toilet. The video then jumped to numerous different videos of the adult male's penis penetrating both of the girls' vaginas, and one of the girls inserting a pen into her vagina.

Name: (Pthc) Toddler Girl - 3Yo Sex Very Hot(Masturbate No Orgasm).mpg
Full Path Case 1\1\C\Overflow\video\mpg\ (Pthc) Toddler Girl - 3Yo Sex Very Hot(Masturbate No Orgasm).mpg
File Created 04/07/12 02:02:01PM
Last Accessed 10/19/13 02:32:36AM
Last Written 04/10/12 04:41:54PM

(Pthc) Toddler Girl - 3Yo Sex Very Hot(Masturbate No Orgasm).mpg

This video file, three minutes and eighteen seconds in length, depicts a toddler girl lying on her back on a bed. The girl is wearing a denim dress and had a pacifier in her mouth. An adult hand pushed up her dress, exposing her vaginal area. The girl moved her dress back down and the adult hand again pushed it up. The adult hand was wearing a ring on the left ring finger. An adult male head then entered the camera view and he began licking the girl's vagina. The male moved out of the camera view and he then directly the girl's hand to rub her vagina. An adult male penis rubbed and then penetrated the girl's vagina.

Name: 2 6yo Little Black Girls with Goldberg gd end.mpg
Full Path Case 1\1\C\Overflow\video\mpg\2 6yo Little Black Girls with Goldberg gd end.mpg
File Created 04/10/12 04:32:01PM
Last Accessed 10/22/13 11:49:54PM
Last Written 04/25/12 05:25:45PM

2 6yo Little Black Girls with Goldberg gd end.mpg

This video file, thirty minutes and fifty three seconds in length, depicts two prepubescent girls playing with a computer keyboard. The girls then began jumping on a bed and the camera view showed a large light on the floor and a camera set up facing the bed. The girls removed their skirt and pants. The girls continued to play on the bed in their panties and shirts. The girl's then removed their panties. Next the girls position themselves in sexual manners exposing their vaginal area, buttocks, and anus. An adult male hand entered the camera view and rubbed both of the girls' vaginal area and buttocks area. The male used a finger to penetrate both of the girls' anuses. At the end of the video, the male places one girl in his lap and positions her and the camera numerous different ways. The male continued to rub the girl's vaginal and buttocks area. The male was clothed; however it was apparent that he had an erection.

Name: Al 4Yprivate1.mpg

Full Path Case 1\1\C\Overflow\video\mpg\Al 4Yprivate1.mpg

File Created 05/22/09 05:24:16AM

Last Accessed 10/18/13 06:57:36PM

Last Written 07/01/04 09:22:54PM

Al 4Yprivate1.mpg

This video file, three minutes and twenty four seconds in length, depicts a prepubescent girl in a bathtub with toy boats. The girl stands up and rubs her vaginal and buttocks areas. An adult hand enters the camera view numerous times and appears to direct the girl. The video then shows an adult male's penis as he inserts it into the girls mouth.

Name: BabyJ-Fuck me !or-rub it in ! 2.20 (pthc kiddy pedo).WMV

Full Path Case 1\1\C\Overflow\video\wmv\BabyJ-Fuck me !or-rub it in ! 2.20 (pthc kiddy pedo).WMV

File Created 04/04/05 04:56:06PM

Last Accessed 10/26/13 03:02:57AM

Last Written 04/04/05 04:56:06PM

BabyJ-Fuck me !or-rub it in ! 2.20 (pthc kiddy pedo).WMV

This video file, two minutes and twenty seconds in length, depicts a close view of an adult male's penis penetrating a prepubescent girl's vagina. The male then ejaculated on the girl's vagina area.

Statement of Probable Cause in Support of Criminal Complaint

26. Based on the facts as I have stated them in this affidavit, there is probable cause to believe that Thomas J. Kasta committed violations of 18 U.S.C. §§ 2252(a)(2) (receipt of child pornography) and 2252(a)(4)(B)(possession of child pornography).